

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Medical Pavilion, Inc.,)	Civil Action No. 9:05-2060-PMD
)	
Plaintiff,)	
)	
vs.)	
)	DEFENDANT, GAF MATERIALS
Delta Metals, Inc. and GAF Materials)	CORPORATION ANSWER TO
Corporation,)	LOCAL RULE 26.01
)	INTERROGATORIES
Defendants.)	

The Defendant, GAF Materials Corporation (“GAF”), submits the following responses to Local Rule 26.01, (DSC), Interrogatories:

(A) State the full name, address and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of said interest.

ANSWER: None known to GAF.

(B) As to each claim, state whether it should be tried jury or non-jury and why.

ANSWER: GAF demands a jury trial.

(C) State whether the parties submitting these responses is a publicly owned company and separately identify:

(1) each publicly owned company of which it is a parent, subsidiary, partner or affiliate;

(2) each publicly owned company which owns ten percent or more of the outstanding shares or other indicia of ownership of the party; and

(3) each publicly owned company in which the party owns a ten percent or more of the outstanding shares.

ANSWER: GAF is not a publicly held corporation.

(D) State the basis for asserting a claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division).

ANSWER: Plaintiff originally filed this action in this division because the case satisfies the requirements of diversity and alleged amount in controversy.

(E) Is this action related in whole or in part to any other matter filed in this District, whether civil or criminal? If so, provide: (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases which may be related regardless of whether they are still pending. Whether cases are related such that they should be assigned to a single judge will be determined by the Clerk of Court based on a determination of whether the cases: arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.

ANSWER: No.

(F) [Defendants only.] If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.

ANSWER: The proper name of the Defendant is Building Materials Corporation of America d/b/a GAF Materials Corporation.

(G) [Defendants only.] If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of said liability.

ANSWER: GAF is not aware of another potentially liable party at this time, but discovery has not yet begun. GAF will amend this answer as discovery progresses.

Respectfully submitted,

COLLINS & LACY, P.C.

By: s/Gray T. Culbreath
 GRAY T. CULBREATH, Fed. I.D. No. 5647
gculbreath@collinsandlacy.com
 CHRISTIAN E. BOESL, Fed. I.D. No. 9289
cboesl@collinsandlacy.com
 1330 Lady Street, Suite 601 (29201)
 Post Office Box 12487
 Columbia, South Carolina 29211
 (803) 256-2660
 (803) 771-4484 (f)

ATTORNEYS FOR DEFENDANTS

Columbia, South Carolina
 October 11, 2005

CERTIFICATE OF MAILING

This is to certify that on this 11th day of October, 2005, a true and correct copy of the above and foregoing is being electronically transmitted to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

COUNSEL SERVED: Thomas E. Williams, Esquire
FINN LAW FIRM, P.C.
Post Office Box 6003
Hilton Head, SC 29938

Daniel S. Cohen, Esquire
BRANNEN, SEARCY & SMITH, LLP
Post Office Box 8002
Savannah, GA 31412

s/Gray T. Culbreath.
GRAY T. CULBREATH